District Court
Washington, District of Columbia

James G. Mahorner, an individual and a member of the governed class,
P. O. Box 50555
Jacksonville Beach, FL 3240 [sic]-0555,
904-249-0851

Plaintiff,

vs.

Civil Action No. 1:02CV01530
Honorable Reggie B. Walton

George W. Bush, Jr., as President of the United States of America, and individually,
1600 Pennsylvania Ave.
Washington, D.C.
and
PAUL H. O'NEILL, as Secretary of the Treasury of the United States of America, and individually,

Defendants.
_____/

Preliminary Statement

1. In this action, Plaintiff seeks declaratory and injunctive relief against the Defendant, GEORGE W. BUSH, JR., individually and as President of the United States, who is initiating war without Congressional approval, in violation of Article 1, Section 8, Clause 11 of the United States.

2. The Defendant, GEORGE W. BUSH, JR., individually and as President of the United States, and the Defendant, PAUL H. O'NEIL [sic], individually and as Secretary of the Treasury, are unconstitutionally enabling the theocracy Israel to be financed at a rate of Fourteen

Thousand Dollars per citizen with taxpayer money over a twenty-year period, in violation of the prohibition of establishment of a religion set forth in the First Amendment to the United States Constitution, and that the appropriations providing for such action is unconstitutional.

Because the courts and the rest of the population have been subject to continuous media bias as to issues set forth in this complaint, it is necessary to detail the true facts applicable to plaintiff's position. The nature of the bias is evidenced by the action of the media networks, which though competing for ratings, united together to make the Florida election close by selecting one analyst rather than an independent analyst for each, so as to more easily obtain a false prediction prior to the counting, sampling, analyzing and completion of the West Florida vote which was in the central time zone, and therefore incomplete. The results, as intended, made a clear election close by intentionally conveying to conservatives who had not voted that the election was over and their votes would be meaningless according to the single analyst the media had in conspiracy jointly selected. The bias is further demonstrated by the device of designating the politicians in the right as right wing to convey they are far from center and designate all on the left as leftists to convey that they are near the center, even though a basic education in high school geometry informs all that if the left wing moves farther right, and the right wing moves farther right, the center has moved farther right, and those who are left wing remain left and do not become leftist. (The bias factors have been further documented by the 2002 best-seller book *Bias*, which documents the resistance by the media to political diversity.) In reference to media deceptiveness

conduct, even the Washington Post on July 15, 2002, acknowledged that it was guilty of falsifying its corporate books in a manner similar to the non-media CEO's recently arrested.

Text references will be used to support facts urged, as was done by the United States Supreme Court in the school integration case of *Brown v. Board of Education*, Washington, D.C.

Standing and Justiciable Issue

By Defendant Bush initiating war in violation of Article I, Section 8, Clause 11 of the United States Constitution, Defendant Bush has created a substantial threat to Plaintiff and others in Plaintiff's class of being vaporized by nuclear war by Defendant's initiating war in violation of Article 1, Section 8, Clause 11 of the United States Constitution. Both Defendants have increased the threat of death to the governed class by violating the separation of church and state provisions under the First Amendment to the United States Constitution through the financing with federal tax monies, the theocracy of Judiasm known as Israel. The issue raised must be held to be justiciable because in creating the government by the Constitution, the governed class was promised as a constitutional right, the right to resist by force should the government act unconstitutionally, and there is no remedy available from the judicial branch. Hamilton, the most knowledgeable contributor to the federalist, promised as an inducement to ratification by the class to be governed stated that "if the representatives of the people betray their constituents, there is then no resource left but in the exertion of that original right of self defense, which is paramount to all

positive forms of government, and which against the usurpation of the national rulers, may be exerted with infinitely better prospect of success than against those of the rulers of an individual state." (Federalist XVIII, page 3 of document). By his guarantee of the right of self help to the governed class at the inducement for the ratification of the instrument creating the government, the individual citizen was to use self help if the absence of a justiciable issue prevents peaceful determination. This representation of Hamilton as to the inherent right of self defense against unconstitutional action was accepted without protest by the other members of the constitutional convention in order to prevent rejection by those who had won by revolution and the aid of private militias, freedom from the centralized government of King George and who greatly feared tyranny from the grant of great power to a centralized federal government.

Plaintiff is a moderate Christian member of the governed class. Defendants are members of the governing class, which have exclusive access to the only fall-out shelters sufficient to provide hope of survival in the event of nuclear war. Death squads have been assigned to shoot Plaintiff and others in Plaintiff's class should they seek a share of safety for themselves, their children or their grandchildren. The plaintiffs in the court case *Campbell v. Clinton*, (U.S. District Court for the District of Columbia, 1998) were Congressman who were also members of the governing class with exclusive access to the taxpayer-financed fall-out shelters and therefore lacked the standing of this Plaintiff and others in Plaintiff's class.

Jurisdiction

Jurisdiction lies under the Constitution of the United States, Article I, Section 8, Clause 11 and the First Amendment of the United States Constitution, and under 28 U.S.C. Sections 1331, 1361, 1651, 2201-2202.

Parties

Plaintiff is an individual and a member of the governed class threatened by the unconstitutional action of Defendants in initiating war and in supporting the taxpayer funding the religious theocratic government of Israel.

Injunctive relief is sought against Defendant George W. Bush, as President of the United States of America and also as an individual under the current judicial theory that an official using government power to initiate war and to finance church in an unconstitutional manner acts as an individual, which theory is often used to avoid immunity.

Injunctive relief is sought against Defendant O'Neill, as Treasurer of the United States of America, and as an individual who transacts appropriations to Israel, in violation of the U.S. Constitution provision prohibiting establishment of religion.

Constitutional Framework

Facts Regarding the Unconstitutional Initiating of War

The former President, William Clinton, was subjected to a complaint in this court for bypassing the exclusive,

non-delegable right of Congress to initiate war. The Constitutional provision, Article I, Section 8, Clause 11, specifies that the right to declare war is in Congress. Abraham Lincoln observed that if the President could attack another country without a declaration of war by Congress, as was done against the Mexican territories, the power of Congress became meaningingless and that clearly such presidential action was unconstitutional. Former President Clinton directed the attack on Yugoslavia. The current President and Defendant George W. Bush directed the attack on Afghanistan, even though he delayed sufficiently to give Congress ample time to give a declaration of war. He is now asserting that he will attack Iraq without a declaration of war. In the debates on the Constitution, war was considered the greatest threat to a new government because of the massive debt accumulated by such action. It was thus determined that though Parliament had no authority as to war and that King George was the unilateral source of war by England, that the President of this country would only have the authority to repulse invasion and not authority to pursue the invader, as provided in Article 2.

Modern technology permits instant vote by a quorum of Congressman so as to remove any excuse for not seeking a declaration of war, and furthermore presidential authority to repel invasion the instant foreign missiles are released removes the immediate need of a congressional declaration of war.

Hamilton stated that in order to obtain ratification *The Federalist*, No. LXIX, on page 3: "In most of these particulars, the power of the Presidnet will resemble equally that of the king of Great Britain [King George] and of the governor of New York. The most material points of

differences are these: First, The President will have only the occasional command of such part of the militia of the nation as by legislative provision may be called into the actual service of the Union. The king of Great Britain and the governor of New York have at all times the entire command of all the militia within their several jurisdictions. In this article, therefore, the power of the President would be inferior to that of either the monarch or the governor. Secondly, the President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the Confederacy; while that of the British king extends to the declaring of war and to raising and regulating of fleets and armies, all which, by the Constitution under consideration, would appertain to the legislature."

In the prologue of Carole Gallagher's book *American Ground Zero: The Secret Nuclear War*, published by the Massachusetts Institute of Technology, it is revealed that 126 hydrogen bombs were exploded by the government above ground, and that each of the bombs independently spread more radiation than was spread by Chernobyl. The map in the book shows where each state was hit that was west of those states bordering the Pacific. The government, in effect, prepared for war never waged by waging war on its own unprepared people. On page 23 of he prologue, there is reference to a top secret Atomic Energy Commission memo, admitted into evidence in federal court, which establishes that the government's position when deciding to do the test in this country rather than in

its territories at the South Pole used as an excuse to support and obtain the decision that the people living downwind of the Nevada test site during the atmospheric testing era, were "a low-use segment of the population."

On Sunday, August 4th, the night Tribune news service published that a mysterious shipment of radioactive material trucked across the Canadian/U.S. borders one week before government officials obtained knowledge was missing, and could be used for dirty bombs. There was no specific knowledge that the material was plutonium, which gives off radiation which would cause a similar reaction to that given by the border sensors, is not the substance being transported. Plutonium is the only substance difficult to obtain that is needed by thousands of knowledgeable people in this country for the simple construction and exploding of an atomic bomb by any one them. Books illustrating and making the construction and exploding of the bomb easy for the many knowledgeable individuals were readily available in the 1950's and 1960's. One of which was briefly scan read by Plaintiff. The half life of plutonium is 24,000 years, and there is no logical reason for not storing it in our South Pole territory, to render it less available to terrorists and far less harmful to the American people, as it is not only deadly as nuclear weapon, but is the most poisonous of all substances to which a person can be exposed.

Defendant Bush was shown on CNN on Friday, August 2, 2002 as stating in regards to the bombing at the Israeli University that: "I cannot stress strongly enough how [outraged] it makes me that people kill in the name of a false religion." This type of statement reduces Plaintiff's life expectancy as it intensifies a hatred that caused the loss of the September 11th Twin Towers (also caused in

party by environmentalists who prevented continued use of asbestos) and renders more likely an attack from Muslim countries who have previously when their religion was vilified by a Western author, offered a one million dollar reward on his life. This form of promoting a war environment can create a situation recognized by Abraham Lincoln wherein the Congressional right to declare war is bypassed by unconstitutional military actions by the President against other nations, so as to purposely produce a state of war without Congressional involvement.

Constitutional Framework

Facts Regarding the Unconstitutional Support of a Theocracy

Israel and Vatican are comparable theocracies with sovereignty. Israel is declared by the designation of God as the homeland for Judiasm (see attached encyclopedia references and attached *libretto* to the opera Nabucco by Verdi, which gives the Biblical references to Israel being designated by God as the homeland of Jews). The Vatican is designated by Christ through his disciple Paul as the home of Christianity. Israel, pursuant to God's designation and will, has codified God's law of the Right of Return (see attached copy of law), so as to give the right of immediate citizenship to U.S. citizens who leave non-Jewish religions and convert to Judaism. Thus, the Defendants are utilizing the taxes of the U.S. citizens of many religious faiths to finance Israel's promotion of Judaism in this country in a manner that is detrimental to other religions. Similarly, the Vatican in order to promote the Catholic religion in this country prohibited marriage to U.S. Catholics by non-Catholics, unless the non-Catholic converted to Catholicism. Similarly, each sovereign has an army (Vatican has

Palace Guards). Because the media, in spite of the terrorist Nazi-like nature of Israel, as shown by facts stated herein, has created a bias against the Vatican and in favor of Israel, it is therefore more persuasive and reduces the impact of media created by us to demonstrate that massive U.S. government-forced involuntary financial support of the Vatican would be a breach of the U.S. Constitution prohibition against the U.S. government favoring the establishment of a religion and that the material religious characteristics of Israel track those of the Vatican, and therefore forcing Christians to finance Israel is equally unconstitutional, so as to avoid the more direct attack on Israel and reduce the impact of the media-created bias.

The last major war was created by the left-wing national socialist worker's party of Germany, the German words of which are commonly abbreviated Nazi (see Nazi in pre-1946 unrevised dictionaries, and see pre-1950 unrevised *Mein Kampf* autobiography of Hitler, the last half of which is dedicated to and discusses Hitler's belief in left-wing socialism). Israel, similar to Germany, has a strong socialist party (designated by the synonym "Communist Party"). The major characteristics of Israel are identical to the Nazi characteristics material to the creation of World War II. First the Nazi's were anti-Semitic. Israel is currently the most anti-Semitic country in the world because Palestinians are Semitic as defined in the pre-1946 dictionaries prior to the subsequent attempted revisions. (The media has consistently concealed this fact.) Second, the Nazi air force, known as the Luftwaft, provided substantial superiority to forces of its neighbors, and the atomic bombs possessed by Israel provide a similar advantage. The Nazis expanded their territory three-fold while urging that such

expansion by invasion was defensive. Israel has similarly expanded her territory threefold by conquest and only recently has recanted the earlier excuse that such expansion was defensive. The nuclear power Israel, possessor of the ultimate weapon of mass destruction (possibly in violation of law similar to Iraq and Pakistan), whose borders have never been transgressed but who has invaded all her neighbors, as did Nazi Germany.

The Nazis branded as terrorists those who were blowing up cabarets in the territory occupied by Nazi invasion and in the original territory occupied by Germany as a resistance movement against the Nazi occupation. The Palestinians resisting Israel's occupation are similarly branded as terrorists. Third, the Nazis had ghettos to which Semitics known as Jews were committed. Israel had ghettos to which the Semitics known as Palestinians are confined. The socialistic nature of the Nazi practice of redistribution of the civil rights of Semitic Jews to equal opportunity for government employment (similar to the racist program in the U.S. as to the redistribution of the civil rights of the minority known as Caucasian men to the majority composed of the other gender and other races) is similar to the practice of Israel, which has a substantial socialistic movement, which has likewise redistributed property ownership and other civil rights of the Palestinian Semitic to the Jews. Israel, like the Nazis, had concentration camps for the unfavored Palestinian Semitic, the Nazis created a holocaust which, according to the Guinness Book of World Records in 1960 was the smallest of the three major holocaust therein noted being six million dead in comparison with the twenty million killed by the Socialist Republic (Russia) and the one hundred million killed by Red China, each of such three having been

created by left-wing socialist. Israel has created a holocaust in the camps of Shatila and Sabra, which is described by the prominent objective Jewish reporter of the New York Times Thomas Friedman in his book *From Beirut to Jerusalem*, for which he was awarded the Pulitzer Prize (see attached pages) describing the horror he witnessed as one of the first objective people to appear after the slaughter of the women, children and men who were prisoners in the camps. Perez Sharon [sic] was removed as Defense Minister due to his responsibility for the war crimes in these camps, which were substantially revealed by Thomas Friedman, who acknowledged the numbers of dead were not ascertainable because potentially many bodies had been shipped elsewhere. Israel has, within the last twelve months, done a similar slaughter and blocked the U.N. investigation in the Camp-town of Jenin. The total from these three camps is in excess of ten thousand by the Palestinian count, most of which were women and children and most of whom were prisoners.

Israel, although a friend to many of this countries' politicians, has been an enemy to the U.S., as is evidenced by the act of war against the U.S. ship Liberty in Egyptian waters, whereby Israel attempted to slaughter all on board and killed many through numerous air attacks during the brightness of noon, while an eighteen-foot American flag was flying at full mast. The purpose of the attack was to prevent the gathering of information, which would have verified the non-defensive highly aggressive nature of Israel's attack on the Golan Heights (see attached pages from the book, *The Liberty*). The leadership of the Israel supported Jewish Defense League was in November, 2001 indicted in California by the Justice Department for the crimes of conspiracy and attempt to kill an American

congressman and to blow up a California place of worship, each of which constitute acts of terrorism against this Country. Israel suborned espionage by paying the American citizen Pollard to illegally acquire and transmit to Israel secrets essential to our countries' security. Israel committed what the U.S. equates to an act of war against this country when done by Pakistan and India, such being the development and possession of weapons of mass destruction. Israel arranged over heavy objection by the U.S. to give Red China advanced technology that would have potentially enhanced that country's ability to vaporize the Plaintiff's class. The U.S. gives Israel $3.8 billion a year, as is established by the attached pages from the Washington, D.C. almanac and which is concealed in other almanacs by revised format of foreign aide, which lists the Far East rather than the individual countries that are listed in other parts of the world, as to the amount of foreign aide they receive from the U.S. This aide is the substantial cause of the September 11, 2001 attacks on this country by the victims of Israel. Other countries, including our allies in Europe, are not suffering similar attacks because they are not financially assisting Israel's war against her neighbors. The majority of UN members have branded Israel as racist (anti-Semitic) and have recognized that Israel, having been given birth by the UN, that her defiance of Article 2 of the UN charter which prohibits non-defensive aggression by other nations, is a substantial threat to that world peace which the charter provision was intended to protect.

The Plaintiff when before the United States Supreme Court in a case involving inter-racial marriage decided the year before *Love v. Love* on the same subject and in a case concerning right to counsel decided a year before Gideon

on the same subject informed the court that eventually individuals would own nuclear devices. The court was told by him that the threat to civilization was not the development in the physical sciences which in each generation built on the knowledge developed by the preceding generation, but was the retardation of the social sciences such as law, which branded as reactionary the wisdom of the preceding generations and started anew and whereunder courts instead of promoting the amending of the constitution as intended would unilaterally ignore the unanimous intent of the authors and those proposing the U.S. Constitution that due process was not adverse to prohibition against inter-racial marriages, because both races were excluded equally from such house (condition). While the use of the dicta in *Marbury v. Madison* (5 U.S. 137, 1803) as precedent in support of U.S. Supreme Court interpretation of constitutional provisions was perhaps questionable, such basic concept is reasonable, however, reason dictates that once a provision is interpreted by the U.S. Supreme Court, the meaning of such provision has been established and cannot be changed or overruled except by the amendment process, as otherwise the amendment process becomes totally unnecessary. The court was also informed that the original intent of the attorney provision in the Sixth Amendment in the U.S. Constitution was to overcome the English commonlaw, which restricted attorneys in criminal cases on the basis that they came between the jury and the truth and that inasmuch as the forefathers had intentionally provided, as a result of their debates, that any non-attorney, non-educated citizen was eligible to be Chief Justice or otherwise on the Supreme Court, and that to hold the citizen incapable of defending himself was not consistent with that original intent. It was stated that law as unscientifically practiced had failed in its major

purpose to enhance the ability of people to resolve disputes without violence as shown by the fact that the use of war and other violent means for the purpose of resolving disputes in the 20th century was as prevalent as its use for resolution of disputes in the preceding centuries. It was submitted that unless law became a highly developed science which controls court, government and people impartially throughout the world, individuals who possessed nuclear devices would effectively overrule the court's opinion as not being impartial, non-discriminatory nor mathematically sound under the established rules of jurisprudence. Both Einstein and Teller (developer of the advanced hydrogen bomb) concluded that only a well developed concept of rule by law could prevent the annihilation of humanity (see attached pages).

The theocracy problem can probably be removed by rendering the Law of Return inapplicable to United States' population and by ending any financing of the Jewish religion in this country by funds from Israel. The threat of war caused by supporting Israel can be removed by Israel's returning all territory taken by aggression in violation of Article 2 of the UN Charter, which will return her borders to that designated by its creator, the UN, and the United States giving full support by treaty and otherwise of the sanctities of such borders.

Irreparable Injury

Plaintiff has no adequate or complete remedy at law to redress the violations set forth herein. The action by the President of initiating war by the act of war, established by international law by the of ordering of military attacks against other countries with U.S. Armed Forces without

Congressional authority, constitutes a major threat that Plaintiff will suffer loss of life in the response forthcoming from the country attacked, without benefit of the shield given by those who proposed and offered the Constitution of having a multiple debate and a multiple member branch of government before making the declaration of war that would expose citizens excluded from the fall-out shelters to retaliation.

The Defendants Bush and O'Neill, in providing monies to Israel and the Appropriations Act portions which undertake to authorize those acts by the two Defendants herein, establish Judaism in this country by permitting the American-financed Israeli government to offer citizenship to non-Jews who covert to Judaism, while excluding those church members who do not convert.

First Cause of Action

Page two of the Federalist No. XLI authored by Madison, sets forth the question of "Is the power of declaring war necessary?" The answer is definite without any support for the negative. Yet, the Presidents have continuously usurped this power, so as to render it meaningless, and in doing so, have, in the atomic age, constructed a deep animosity in other countries for the American governing and governed class. This animosity will, as nuclear power develops, become a death knell for Plaintiff and others who are excluded from taxpayer-financed fall out shelters. Chief Justice John Marshall, in the Constitution of 1778, when the intent of the Constitution was well-known and could not be distorted by intellect, held, in the case of *Talbot v. Seeman*, 1 Cr (5 U.S.), 1, 28 (1801), that "The whole powers of war being, by the Constitution of the

United States, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry."

Second Cause of Action

The financing of the theocracy Israel, a country built on religious principles comparable in strength to those applicable to the sovereignty known as the Vatican, constitutes an establishment of a religion in violation of the First Amendment of the U.S. Constitution, which is emphasized by the action of Israel in promoting defection from non-Jewish churches by giving to those in this country who will covert to Judaism the right to live in a territory where they will receive the benefit individually of in excess of Fourteen Thousand Dollars of American aide, and such action entwines this country in Israeli disputes, which have already resulted in substantial loss of the lives of citizens within her boundaries, while leaving the military untouched.

The actions of the Defendant injures Plaintiff in that it promotes a continuing threat of internal terrorism or of war as a result of financing the theocracy Israel.

No Jury Trial Demanded

No jury trial is being demanded herein.

Relief Sought

WHEREFORE, Plaintiff prays this Court enter an order as follows:

a. Declaring Defendant, Bush, is unconstitutionally initiating war by causing the Armed Forces of the United

States to attack countries without obtaining a declaration of war from Congress, who has the exclusive undelegatable authority.

b. Enjoining Defendant Bush from causing an attack on Iraq or any other foreign country without a declaration of war from Congress except in repelling an invasion that has commenced by the launching of foreign missiles or similar circumstances. Defendant Bush, having previously caused an attack on Afghanistan without a declaration of war, even though the time after the cause for the attack was sufficient to give Congress the ability to consider the matter and make a declaration of war, and Defendant Bush now threatens to attack Iraq in an equally unconstitutional manner, and

c. Declaring that the appropriation of U.S. taxpayer monies to Israel and the acts of the Defendants, Bush and O'Neill, pursuant to such appropriation, violates the Article I, Section 8, Clause 11 of the United Stats Constitution prohibiting the establishment of religion, and

d. This court is requested to quickly issue injunctions which will only be effective if no appeal is taken by the Defendants within the time permitted by law, or abbreviated in the injunction order, and

e. Enjoining Defendants from transmitting government money to the State of Israel, and

f. Granting such other and further relief as may be just and proper.

Conclusion

The action of the Defendants is unconstitutional, creates an unreasonable and unnecessary threat directly against Plaintiff, his children and his grandchildren, as well as other members of Plaintiff's class.

The non-traditional detail, though supportable in certain other civil rights complaints under existing judicial precedent, is necessary to show the magnitude of an immediate threat, and to bring such quickly to the attention of this nation's people. It is therefore requested that this complaint not be dismissed for reasons of form, and if the court finds substance herein, that it make an early ruling but delay the impact of such ruling if favorable to Plaintiff, so as to permit the attorneys for the Defendants to quickly file for an appeal with a condition that such filing immediately further stays the impact.

The reason for life-time appointment of federal judges is to enable them to do that which is legally correct under the basic constitutional law as interpreted by the founders without the judiciary having to fear removal by colleagues or other branches of government. The purpose was not served when America-Asian citizens, including men, women and children, were placed into American concentration work camps, which were unnecessarily placed in the desert and had no air conditioning. When we hung the Nazis, we told them their punishment was in spite of applicable German law because individual conscience should be the ultimate controlling factor. It is possible that

should be the controlling guideline in the consideration of this complaint.

Respectfully submitted,

/s/ JGM

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